

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2011 has The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and rejected under 35 U.S.C. 103(a) as being unpatentable over Holl (US 3,370,612), of record, in view of Campbell et al (US 3,350,055) and Heinen (US 3,580,540).

Holl shows a four way valve with moveable seats 66 for switching flow between plural passageways in the valve head but does not show the seats sealing at the bottom of openings. Heinen is cited at a teaching reference of a rotary valve which can be configured as a two way, three way or four way valve. Campbell shows a rotary valve with moveable seats which seal at the bottom of openings. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used the sealing structure shown my Campbell with the valve of Holl under the rationale set forth in KSR v. Teleflex, U.S.____, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1835 (2007) that the

Art Unit: 3753

simple substitution of one known element for another to obtain predictable results is an indication of obviousness. In this case the predictable result is a four way valve with effective seals at the ports.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holl in view of Cambell et al and Heinen as applied to claim 1 above, and further in view of JP 59-195565, of record.

Holl, as modified, shows the claimed device except for the components of an HPLC system. JP '565 shows a four way valve for switching fluid flow between the recited components of an HPLC system, where the chromatograph is read as including a column. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used the valve of Holl, as modified, with an HPLC system as taught by JP '565 under the rationale set forth in KSR v. Teleflex, U.S.____, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1835 (2007) that the simple substitution of one known element for another to obtain predictable results is an indication of obviousness. In the is case the predictable result is an HPLC system with a four way valve for switching fluid flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN FOX whose telephone number is (571)272-4912. The examiner can normally be reached on Monday-Saturday from 10am-6pm (Hoteling Program).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hepperle can be reached on 571-272-4913. The fax phone

Art Unit: 3753

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Fox/
Primary Examiner
Art Unit 3753